

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LUTHER WHITMORE, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
AMERICAN DREAM LOGISTICS,)
INC., et al.,)
)
 Defendants.)

Case No. 4:11CV1170 RWS

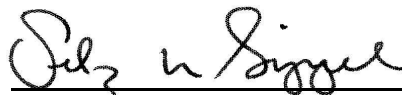
MEMORANDUM AND ORDER

This matter is before me on defendant Penske's motion for summary judgment. Penske moves for summary judgment on the same ground that it earlier sought dismissal of this case. Penske has not met its burden of demonstrating that summary judgment is appropriate under Fed. R. Civ. P. 56(a). Defendant has not demonstrated that plaintiffs' claims against Penske are barred by the Graves Amendment as a matter of law. Material disputes of fact regarding Penske's negligence remain in this case and preclude entry of summary judgment at this time.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for summary judgment [#56] is denied.

IT IS FURTHER ORDERED that defendant Penske shall provide any outstanding discovery it agreed to produce in plaintiffs' Exhibit 3 in opposition to summary judgment [#58-3] within seven (7) days of the date of this Order.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of April, 2012.